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Paper No. 2/

: DECISION ON PETITION

TO WITHDRAW

HOLDING OF

ABANDONMENT

Steven F. Weinstock Abbott Laboratories 100 Abbott Park Road Dept. 377/AP6A Abbott Park, IL 60064-6008

In re Application of

Omar S. Khalil et al

Serial No. : 09/419,461

Filed For

: October 15, 1999

: Method for Modulating Light Penetration Depth in

Tissue and Diagnostic Applications Using Same

This is a decision on petitioner's request filed February 2, 2004, to review the holding of abandonment mailed January 20, 2004 for failure to take action following the decision by the Board of Patent Appeals and Interferences dated September 24, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response (a Request for Continued Examination (RCE) that included an Information Disclosure Statement and an amendment), and a copy of a PTO stamped receipt indicating the response was received, timely, on November 24, 2003.

In view of the above, the Notice of Abandonment mailed January 20, 2004, is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry, processing and consideration of the RCE.

Summary: Holding of Abandonment Withdrawn.

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